24 L. Ed. 251. Therefore the rights of the wife under the policy during the original term are clearly not affected by the divorce. But the case is novel in determining the rights of a beneficiary, whose insurable interest has been extinguished, upon the renewal of a policy according to its terms. The court held that the renewal of the policy by a rider was a continuation of the contract for another period of 10 years and that although the beneficiary had no insurable interest at the time of the renewal her interest at the time of the inception of the contract was sufficient to support her rights throughout the term of the renewal.

LIBEL AND SLANDER—PRIVILEGED COMMUNICATIONS—JUDICIAL PROCEEDINGS.—Defendant published a report that plaintiff had been indicted by a grand jury when in fact the person indicted was another of the same name. The mistake as to the identity was an honest one, there was no negligence on the part of defendant, the report of the grand jury proceedings was a fair one, and there was no malice on the part of the defendant. *Held,* that defendant was liable in an action for libel notwithstanding the circumstances enumerated above. *Sweet* v. *Post Publishing Co.* (Mass. 1913) 102 N. E. 660.

It is an established rule that malice must be shown in the case of qualifiedly privileged communications, at least between private persons, where the privilege is granted because of mutual interest or a duty to disclose. *Coogler* v. *Rhodes,* 38 Fla. 240, 21 So. 109, 62 Am. St. Rep. 675; *Bearce* v. *Bass,* 88 Me. 521, 34 Atl. 411, 51 Am. St. Rep. 446; *Casset* v. *Gilbert,* 6 Gray (Mass.) 94. The principal case admits this but declares that the privilege attaching to reports of judicial proceedings rests upon a different ground. But that conclusion does not necessarily follow. Reports of judicial proceedings are privileged because it is to the interest of the community to know how justice is administered. *Cowley* v. *Pulsifer,* 137 Mass. 392, 50 Am. Rep. 318. It is sufficient to confer the privilege that the matter is of public interest to the community. *Kelly* v. *Tingling,* L. R. 1 Q. B. 699; *Palmer* v. *Concord,* 48 N. H. 211. So it would really seem that both sorts of privilege are based on interest. Such is the reasoning of the cases holding that where there is inaccuracy in the published statement it is the right of the defendant to show that there was no malice and that reasonable care was used, and that the inaccuracy arose notwithstanding it. *O'Connell* v. *Boston Herald Co.,* 129 Fed. 839; *Douglas* v. *Daisley,* 114 Fed. 628; 52 C. C. A. 324, 57 L. R. A. 475; *Belo* v. *Lacy* (Tex. Civ. App.) 111 S. W. 215; *Ferber* v. *Gazette & Bulletin Pub. Assn.,* 212 Pa. 367, 61 Atl. 939; *Briggs* v. *Garnett,* 111 Pa. 404, 56 Am. Rep. 274; *Bearce* v. *Bass,* supra; *Coleman* v. *MacLennon,* 78 Kan. 711, 98 Pac. 281, 7 MICH. L. REV. 351. *Park* v. *Detroit Free Press Co.,* 72 Mich. 560, 40 N. W. 731, 1 L. R. A. 599, 16 Am. St. Rep. 544, apparently holds with the principal case, but can be differentiated, as the publication was not privileged in the first instance.

MASTER AND SERVANT—PAYMENT OF WAGES OF DISCHARGED EMPLOYE.—The South Carolina Civil Code, 1912, § 3812 provides that, when a corporation shall discharge a laborer whose wages are paid monthly or weekly on a fixed day beyond the end of the month or week in which the labor is per-

formed, the wages earned up to the time of discharge shall become immediately due and payable, and, if not paid within twenty-four hours after demand, the corporation shall be subject to penalty of five dollars a day. By virtue of this statute the plaintiff recovered $1.93 wages due him by defendant at the time he was discharged, and $95.00, the accumulated daily penalty of five dollars per day for delay in payment. *Held* that the statute did not deprive the corporation of its property without due process of law, or deny it the equal protection of the laws and the liberty of contract. *Wynne* v. *Seaboard Air Line Ry.* (S. C. 1913) 79 S. E. 521.

The decision in this case was predicated on the constitutional right conferred on the Legislature to alter or repeal all charters of incorporation, CONST. 1895, Art 9, § 2, and upon such foundation is supported by the weight of authority: *St. Louis etc. R. R. Co.* v. *Paul,* 173 U. S. 404; *Lawrence* v. *Rutland R. R. Co.* 80 Vt. 370; *Sinking Fund Cases,* 99 U. S. 700; *Commissioners* v. *Holyoke Water Power Co.,* 104 Mass. 446; *Greenwood* v. *Freight Co.* 105 U. S. 13; *Spring Valley Water Works* v. *Schottler,* 110 U. S. 347. But see *State* v. *Haun,* 61 Kans. 146; *State* v. *Goodwill,* 33 W. Va. 179; *Frorer et al.* v. *People,* 141 Ill. 171; *State* v. *Loomis,* 115 Mo. 307; *Godcharles* v. *Wigeman,* 113 Pa. St. 431. The court also sustained its decision under the power of the state to legislate for the common good,—commonly called the police power: *Chicago etc. Ry. Co.* v. *McGuire,* 219 U. S. 549; *Johnson* v. *Spartan Mills,* 68 S. C. 339; *Knoxville Iron Co.* v. *Harbison,* 183 U. S. 13; *Railway* v. *Mackey,* 127 U. S. 205. It is observed that the hardship attending the needy laborer by withholding his wages is far greater than the inconvenience to the corporation of departing from their custom or regulation in paying a just debt; and moreover, by such prompt payment, the laborer could use the money in seeking other employment, thereby preventing him from becoming a burden to the state. Besides this the statute tends to prevent dissatisfaction among laborers, and hence, tends to prevent agitation and strikes among them, which is a matter of grave public policy. See contrary theory in *Ritchie* v. *Illinois,* 155 Ill. 98.

MUNICIPAL CORPORATIONS—ACTIONS—CONDITIONS PRECEDENT.—A statute provided that no action should be maintained against a village for damages for personal injury, unless a written notice of the claim had been filed with the village clerk within 60 days. Plaintiff, an infant, five years of age, without complying with this statute in respect of notice, sued a municipality, which moved to dismiss the complaint upon the ground of plaintiff's failure to file the requisite notice. *Held,* that a child five years of age is not precluded from bringing suit by failure to file the notice specified in the statute; and further, that a child of that age should not be prejudiced by the failure of its father or mother to file the same. *Murphy* v. *Village of Ft. Edward,* (N. Y. 1913), 144 N. Y. S. 451.

This decision runs counter to many decisions both in New York and elsewhere. That the filing of the statutory notice is a condition precedent to the right to maintain an action is supported by ample authority in New York and in the states generally. *Winter* v. *City of Niagara Falls,* 190 N. Y. 198,